HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 808 (S/B) of 2002

1. Dr. Prem Narain Singh S/o Sri Vishwanath Singh,
   Posted as Medical Officer in District Govt. Hospital,
   Pithoragarh,
2. Satish Kumar S/o N. Narayan,
   Posted as Pathologist in District Govt. Hospital,
   Pithoragarh. …. Petitioners

Vs.

State of U.P. through the Secretary,
Ministry of Medical & Health Services, Secretariat,
Uttaranchal, Dehradun.
And three others.
And two others. …. Respondents.

Sri C.D. Bahuguna, learned counsel for the petitioners.
Smt. Beena Pandey, learned Standing Counsel for the State of U.P.,
Sri N.C. Gupta, learned Standing Counsel for State of Uttaranchal,
Sri P.S Adhikari, learned Senior Standing Counsel for Union of India,

Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.

Heard Sri C.D. Bahuguna, learned counsel for the petitioners and Sri N.C. Gupta, learned Standing Counsel for the State of Uttaranchal, Smt. Beena Pandey, learned Standing Counsel for the State of U.P. & Sri S.S. Adhikari, learned Senior Standing Counsel for Union of India.

By means of this writ petition, the petitioners have prayed for the issue of a writ, order or direction in the nature of mandamus commanding the respondent nos. 1 & 2 to relieve the petitioners from the post of Medical Officer and Pathologist respectively from District Govt. Hospital, Pithoragarh so as to enable them to join in the Department of Medical & Health Services, U.P., Civil Secretariat, Lucknow further with a prayer to command the respondent nos. 3 & 4 to provide joining and posting to the petitioners as a Medical Officer and Pathologist in any Govt. Medical Hospital within the State of U.P.

Learned counsel for the petitioner has submitted that Division Bench of this Hon'ble Court on 25th March 2004 in W.P. No. 4446 (S/S) 2001 Ashok Kumar & others vs. State & others alongwith bunch of writ petitions has resolved the same controversy raised by the petitioners and the case of the present petitioners is squarely covered

by the decision of the Division Bench of this Court, therefore, this writ petition may be disposed of in terms of the writ petition no. 4446 (S/S) 2001. Counsel for the petitioner has further confined his argument that the petitioner is already to move representation afresh before the authorities concerned, therefore, the authorities may be directed to consider the same within a period of one week. The respondents have not raised any objection at this stage before the Court.

In view of the aforesaid statement, the writ petition no. 808 (S/B) 2002 is decided in terms of the writ petition no. 4446 (S/S) 2001 decided on 25th March 2004. Liberty is given to the petitioner to move representation afresh before the authorities concerned who shall decide the same expeditiously within a period of two months from the date of production of a certified copy of this order.

(Rajesh Tandon, J.) **(M.M. Ghildiyal, J.)**

June 11, 2004:
NCM: